

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 16, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 471

Introduced by Assembly Members Simitian, Laird, and Nakano

February 14, 2003

An act to add Chapter 3.3 (commencing with Section 39630) to Part 2 of Division 26 of the Health and Safety Code, relating to air emissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 471, as amended, Simitian. Air emissions: cruise ships.

Existing law requires the State Air Resources Board to measure and record the opacity of visible emissions of a representative sample of large passenger vessels while at berth or at anchor in a port in the state. That provision is repealed as of July 1, 2003.

This bill would ~~instead prohibit, as of January 1, 2004,~~ a cruise ship, as defined, from conducting onboard incineration while operating within 20 miles of the California coast. The bill would require, as of January 1, 2005, a cruise ship to use only specified diesel fuel while operating within 25 miles of the California coast. The bill would require the State Air Resources Board to enforce those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.3 (commencing with Section 39630) is added to Part 2 of Division 26 of the Health and Safety Code, to read:

CHAPTER 3.3. CRUISE SHIPS

39630. The Legislature finds and declares that it is in the interests of all Californians to protect the air quality from increasing volumes of cruise ship engine emissions.

39631. (a) The state board shall enforce this chapter, and may adopt standards, rules, and regulations for that purpose pursuant to Section 39601.

(b) As used in this division, “cruise ship” means a commercial vessel that has the capacity to carry 250 or more passengers for hire. “Cruise ship” does not include the following:

(1) Vessels without berths or overnight accommodations for passengers.

(2) Noncommercial vessels, warships, vessels operated by nonprofit entities as determined by the Internal Revenue Service, and vessels operated by the state, United States, or a federal government.

39632. Commencing on January 1, 2004, a cruise ship shall not conduct onboard incineration while operating within 20 miles of the California coast, ~~except~~ to the extent allowed by federal law.

39633. Commencing on January 1, ~~2005~~ 2006, a cruise ship shall use only *federal* onroad diesel fuel that ~~is approved by~~ *meets the requirements of* the United States Environmental Protection Agency, while operating within 25 miles of the California coast. *Any person who cannot comply with the requirement to use federal on-road diesel fuel because of technical or operational reasons beyond the person’s control may apply in writing to the executive officer of the State Air Resources Board for a variance. The executive officer may temporarily waive the fuel requirement if he or she determines that all of the following information has been provided in the application:*

- 1 (a) *The specific grounds upon which the variance is sought.*
- 2 (b) *The proposed date or dates by which compliance will be*
- 3 *achieved.*
- 4 (c) *Any proposed mitigation measures, which may include the*
- 5 *use of alternative fuel grades, that will be implemented to reduce*
- 6 *the impact of the increased emissions.*
- 7 (d) *A compliance report that details the method or methods by*
- 8 *which compliance will be achieved.*

